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Chambers of Vincent L. Briccetti

Via ECF

Hon. Vincent L. Briccetti, U.S.D.J.
U.S. District Court, S.D.N.Y.
300 Quarropas Street, Room 630
White Plains, New York 10601

APPLICATION GRANTED:

Defendants' letter-motion to seal Exhibit I of the Declaration of George P. Burns, Jr., which is plaintiff's ambulatory health record, is GRANTED. The unredacted version of Exhibit I shall remain restricted to court users and parties. (Doc. #75-1). Defendants shall also provide an unredacted copy of Exhibit I to plaintiff.

Chambers will mail a copy of this Order to plaintiff at the address provided in the motion.

The Clerk is directed to terminate the letter-motion. (Doc. #73).

SO ORDERED:

Vincent L. Briccetti, U.S.D.J.
April 27, 2023

Re: *Latimer v. Annucci*, No. 21-CV-01275 (VB)
Request to File an Exhibit Under Seal

Dear Judge Briccetti:

I write, in accordance with Rule 3.B of this Court's Individual Practices and Section 6 of the Electronic Case Filings Rules and Instructions ("ECF Rules"), to request that a particular document in support of Defendants' motion for summary judgment be filed under seal.

Defendants' pending motion relies upon an excerpt from Plaintiff's ambulatory health record. Defendants believe that this document—attached as Exhibit I to the Declaration of George P. Burns, Jr. in Support of Defendants' Summary Judgment Motion—is sensitive and should be filed under seal. *See Offor v. Mercy Med Ctr.*, 167 F. Supp. 3d 414, 445 (E.D.N.Y. 2016) ("Courts in this Circuit have repeatedly held that information protected by HIPAA is not subject to a First Amendment or common-law right of access and thus have sealed docket entries and redacted documents that contain such information."); (see also ECF Rules § 21.4 (listing medical records among documents with which "[c]autious should be exercised when filing")).

Defendants request, therefore, permission to file Exhibit I under seal.

Respectfully,

George P. Burns, Jr.
Assistant Attorney General
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cc: Plaintiff, *pro se* (via First Class Mail)